APPEAL NO. 020745
FILED APRIL 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 6, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable right ankle injury on _____, and had disability beginning on _____, through January 7, 2002. The appellant (self-insured) appeals, citing both Appeals Panel decisions and case law and contending that the claimant sustained a noncompensable idiopathic injury performing "ordinary movements of life." The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed as a "pill nurse" (also called a patient care assistant, whose duties included dispensing medication) at a prison facility. In the early afternoon of _____, the claimant was walking with a guard from one "pod" to another (the walking is described as "hurriedly" or "fast") when the guard unexpectedly told the claimant to stop. The claimant testified that when she stopped, her "left foot locked" and she injured her right ankle. The hearing officer's description of the incident was that when the guard "suddenly requested her to stop . . . her left foot stuck to the floor shifting her weight onto the right leg . . . ." The claimant complained of pain but continued to dispense medications the rest of her shift (until about 8 P.M.). The claimant sought medical care the next day and was eventually diagnosed with a spiral fracture of the fibula. The self-insured's doctor stated it would not have been possible for the claimant to continue working seven hours with a fractured fibula. The claimant's doctor stated it was not at all unusual for someone to think "they had a 'sprained ankle' and continued walking on their ankle."

The self-insured appeals on the basis that the claimant's injury was one of "an idiopathic origin" and the claimant's action was an "ordinary movement of life" with no slipping, pushing, etc. The hearing officer, however, commented that she believed that the "guard's sudden and unexpected halt for Claimant to stop . . . placed Claimant into untoward body movements which resulted in the injury." Although the self-insured may challenge that that is what happened, the hearing officer, as the fact finder and sole judge of the weight and credibility of the evidence, could, and did, make that fact finding. The hearing officer obviously did not believe this to be an idiopathic condition which would have occurred regardless of the "sudden stop." We will not say that that determination was either error as a matter of law or was not supported by the evidence.

The hearing officer's decision is not so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Accordingly, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

MANAGER
(ADDRESS)
(CITY), TEXAS (ZIP CODE).

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge